IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9860 of 2004

Between:
Dummula Bhanu Prakash, S/o. Late Kalyanarao,
R/o. Nellipudi (v), Gangavaram (M), E.G. District.

..... PETITIONER

AND

1 The Addl. Agent to the Govt., E.G. District at Rampa Chodavaram.
2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram.
3 The Mandal Revenue Officer, Gangavaram (M), E.G. District.
4 The Special Deputy Tahsildar (Tribal Welfare), Gangavaram, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4 in evicting the petitioner from the land to an extent of Ac. 2.00 cents in Sy.No. 18 of Nellipudi (v), Gangavaram (M), E.G. District in pursuance of the order in L.T.R.P.No.125/2000 on the file of 2nd respondent herein as illegal, arbitrary, unjust, in violation of principles of natural justice and contrary to the provisions of A.P. Scheduled Areas Land Transfer Regulations and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the appeal preferred before the 1st respondent.

Counsel for the Petitioner: Mr.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order of the Special Deputy Collector (Tribal Welfare), Rampachodavaram, in L.T.R.P.NO.125 of 2003, dated 20.11.2003.

2. According to the petitioner, he belongs to Scheduled Tribe and he is in possession of an extent of Ac.2.00 of land in Survey No.18 of Nellipudi village, Gangavaram Mandal, East Godavari district. According to the petitioner, his father late Kalyanarao, purchased the said property in the year 1978 from one Madhuveeti China Ramayya vide document No.1060 of 1978. But, the Special Deputy Collector (Tribal Welfare), without issuing any notice, observing that notice is not served as whereabouts of the petitioner are not known, passed eviction order against the petitioner, as if the petitioner is a non-Tribal, though he is a Tribal. It is also stated that against the said order, an appeal was filed before the Additional Agent to the Government - first respondent, and the said appeal is still pending. Though the petitioner filed stay petition before the first respondent, no orders are passed so far. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

4. In view of pendency of the appeal filed by the petitioner before the first respondent against the order of the Special Deputy Collector (Tribal Welfare), it would be appropriate to dispose of the writ petition directing the appellate authority to dispose of the appeal expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. Pending disposal of the appeal, the respondents are directed to maintain status quo as to the possession of the land in

question.

5. The writ petition is accordingly disposed of at the admission stage with the above directions.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

18.06.2004
va

One Fair copy to the Hon'ble Sri Justice S. Ananda Reddy (for his lordship's kind perusal)

To
1 The Addl. Agent to the Govt., E.G. District at Rampachodavaram.
2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram.
3 The Mandal Revenue Officer, Gangavaram (M), E.G. District.
4 The Special Deputy Tahsildar (Tribal Welfare), Gangavaram, E.G. District.
5 2 CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)
6 2 CD copies